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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/816,993 | 03/23/2001 | Kirk Tecu | 10010017-1 | 7620 |

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2165

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/816,993 | TECU ET AL. | |
| | Examiner | Art Unit | |
| | Sam Rimell | 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) 21-23 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 20 and 24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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Newly submitted claims 21-23 and 25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 21-23 and 25 are directed to an invention where the client is defined as a camera or photographic data obtaining system, rather than a generic client. Accordingly, claims 21-23 and 25 are considered to be directed to a distinct species of invention which was not previously claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-23 and 25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Newly added claim 24 is considered to be directed to the subject matter original claimed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12, 13, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lappenbusch et al. (U.S. Patent 6,297,748).

Claim 1: FIG. 2 illustrates clients (42) and servers (38) communicating data via a network (the Internet). As seen in FIG. 8, the client is presented with a user interface (60) that permits input of data to the server. In the user interface of FIG. 8, the client is initially presented without beginning end points or a highlighted route. The client inserts position data (begin point

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83 and end point 84) in the context of the map and forwards this data to the appropriate server. The server then returns various forms of content data, such as a highlighted route between the beginning and end points and the additional data in the boxes (62) and (84). The image of the map ends up being further annotated by the highlighted route.

Claim 2: Col. 2, lines 5-12 identify location names, such as Seattle or Houston that can be used in a URL. The URL is then used to query data from an Internet server to produce one of the maps, as illustrated in FIGS. 4-8. The items in boxes 64 and 82 constitute content data that is returned to the client.

Claim 3: Entering the position data (the beginning and ending points in FIG. 8) effects a query of the data contained in the relevant server. Some of the data retrieved includes location names (“Pike” in box 64). Traffic incidents can also be reported which can include location of an incident (col. 8, lines 12-18).

Claim 4: As seen in FIG. 8, the retrieved content data includes text.

Claim 5: As seen in FIG. 4, a user can send chronological data to the server (a request for commute time—col. 6, lines 34-40). The saved data within the appropriate server is then queried to receive further content data (commuting time) that is then displayed to the user.

Claim 6: FIG. 8 illustrates annotated images (an annotated map) which are provided to the client computer.

Claim 7: The data is provided to the client computer using a browser program (Microsoft Internet Explorer—col. 5, lines 12-13) that inherently produces web pages.

Claim 8: The position data are the specifications of beginning and ending points (83, 84) on a map of a city. All points on a geographical map are inherently associated with longitude and latitude coordinates.

Claim 9: Once an annotated map image is displayed to a user (FIG. 8 map annotated with a preferred route) it is stored on the client's display until changed by new commands from the user. In addition, since the client system is a computer, the display can inherently be saved in the client system's memory capability.

Claim 10: The client can access annotated images, such as the image (64) in FIG. 8. The "conditions" are the specifications input by the user, such as the starting and ending point of a trip or specifying a particular leg of the map.

Claim 12: See remarks for claims 1 and 3.

Claim 13: FIG. 2 illustrates a series of dynamic libraries (41). Each library is considered to be a database containing retrievable data. Since each library includes both location data and content, one of the libraries can be designated a location database and another library can be designated as content database. The Internet includes intermediate servers between the client and the libraries (col. 3, lines 54-57). As seen in FIG. 8, the client sends to the server position data (beginning and ending points 83, 84) that are annotated on an image (a map). Content data is retrieved, such as the highlighted trip segment. The highlighted trip segment on the map constitutes a map annotated by the highlighted trip segment.

Claim 20: See remarks for claims 1 and 2. Note that the annotated image (a map image annotated with a preferred route) can be stored in the sense that it remains on the client's display

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until changed. Additionally, the annotated image can be considered as stored in the sense that the annotated image can inherently be placed in the client system's memory.

Claim 24: In addition to the highlighted map retrieved by the user at the client (42), the user also receives a set of images (64) obtained from a library (col. 4, line 28). A searchable dynamic library is considered a relational database. FIG. 8 illustrates where such images produce a common location name ("NB at Pike"). The position data is the route data input by the user in FIG. 8.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappenbusch et al. (U.S. Patent 6,297, 798) in view of Official Notice.

Claim 11: Lappenbusch differs in that it does not disclose the step of printing the annotated image. Examiner takes Official Notice that printing a displayed image on a computer is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Lappenbusch to print the annotated image so as to make the image portable. In other words, the printed image can be taken by the user on the designated road trip to provide instructions on a route to follow during the road trip.

Remarks

Applicant's arguments have been considered. Applicant's arguments are addressed primarily addressed to generic features of the Lappenbusch et al. reference. Applicant's primary argument is that in Lappenbusch et al., no images are received from the client device. However, as pointed out the discussion associated with claim 1, FIG. 8, does disclose such a feature. In the embodiment of FIG. 8, the user starts out with a blank map. The user then highlights a starting point and ending point on the map. The combined data (starting point and ending point in the context of the map) are transmitted to the server to retrieve an array of travel related information. It is clear in FIG. 8 that the user is not simply sending out points of data to a server. The points of data are laid out in the context of a map, otherwise, they would have no meaning and the server would not be able to correlate the points to specific traffic information. Accordingly, in this embodiment, the user is sending image data associated with position data.

Applicant does not present any specific arguments in reference to the rejection under 35 USC 103, so this rejection is sustained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name.

Sam Rimell
Primary Examiner
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